



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
Region 1

New York Office
201 Varick Street, Suite 1151
New York, New York 10014
212-337-1865

July 11, 2016

T.G. Nickel
New York, New York

NOTICE OF UNLICENSED OPERATION

Case Number: EB-FIELDNER-16-00022103
Document Number: W201632380051

The New York Office received a complaint of unlicensed operation on 455.500 MHz in New York, New York. On July 5, 2016, agents from this office confirmed by direction finding techniques that radio signals on frequency 455.500 MHz were emanating from RCA portable two-way radio equipment used by employees of T.G. Nickel at a construction site at 16 W 40th New York, New York. The Commission's records show that no license was issued for operation on 455.500 MHz at this location in New York, New York.

Radio stations operating on many frequencies, including 455.500 MHz, must be licensed by the FCC pursuant to 47 U.S.C. § 301. The only exception to this licensing requirement is for certain transmitters using or operating at a power level or mode of operation that complies with the standards established in Part 15 of the Commission's rules, 47 C.F.R. §§ 15.1 *et seq.* The RCA transmitters used by T.G. Nickel are authorized under Part 90 of the Commission's Rules and may only be operated with a valid FCC radio station license. Thus, this station is operating in violation of 47 U.S.C. § 301.

You are hereby warned that operation of radio transmitting equipment without a valid radio station authorization constitutes a violation of the Federal laws cited above and could subject the operator to severe penalties, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. (*see* 47 U.S.C. §§ 401, 501, 503 and 510).

UNLICENSED OPERATION OF THIS RADIO STATION MUST BE DISCONTINUED IMMEDIATELY.

You have ten (10) days from the date of this notice to respond with any evidence that you have authority to operate granted by the FCC. Your response should be sent to the address in the letterhead and reference the listed case and document number. Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure

your compliance with FCC Rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

David C. Dombrowski
Regional Director
Region 1
Enforcement Bureau
Federal Communications Commission

Attachments:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", March 2005